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7	Facsimile: (619) 645-2061 Attorneys for Complainant	
8	BEFORE THE	
9	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS	
10		CALIFORNIA
11	In the Matter of the Accusation Against:	Case No. 2013 - 867
12	ROBIN MARIE MILES,	ACCUSATION
13	AKA ROBIN MARIE AUBIN, AKA ROBIN MARIE GREEN	
14	1610 Winder Street San Diego, CA 92103	
15	Registered Nurse License No. 592768	
16	Respondent.	
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19	Complainant alleges:	
20	PARTIES	
21	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her	
22	official capacity as the Executive Officer of the Board of Registered Nursing, Department of	
23	Consumer Affairs.	
24	2. On or about December 31, 2001, the Board of Registered Nursing issued Registered	
25	Nurse License Number 592768 to Robin Marie Miles, aka Robin Marie Aubin, aka Robin Marie	
26	Green (Respondent). The Registered Nurse License was in full force and effect at all times	
27	relevant to the charges brought herein and will expire on July 31, 2013, unless renewed.	
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3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time.
 - 6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

7. Section 2762 of the Code states:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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COSTS

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

- 9. Butalbital is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022.
- 10. Hydromorphone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022.
- 11. Methadone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c), and a dangerous drug pursuant to Business and Professions Code section 4022.
- 12. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Reporting to Work Under the Influence)

- 13. Respondent is subject to disciplinary action under Code section 2761(a) for unprofessional conduct in that she reported to work under the influence of controlled substances. The circumstances are as follows:
- 14. From approximately December 27, 2004 through August 2, 2011, Respondent was employed as a registered nurse at San Diego Hospice.

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- 15. Over the period of May 2011 through July 2011, Respondent's supervisor observed progressive negative changes in Respondent's behavior and appearance that caused her to be concerned about Respondent. Respondent was struggling to case manage her clients and complete her work in a timely manner, which she had not had a problem doing in the past.
- 16. On or about July 22, 2011, Respondent arrived 10 minutes late for a staff meeting, which was uncharacteristic of her. At the meeting, Respondent removed a pie from a bag she was carrying and sliced the pie into pieces. She put 4 of the pieces onto plates and surrounded her space with the pie. She did not make eye contact with coworkers, nor did she initially offer them pie. She did offer the pie midway into the meeting. Respondent was disorganized in her presentation of clients, and frequently laughed inappropriately.
- 17. On or about July 22, 2011, Respondent was asked to submit to a urine drug screen for cause and her supervisor accompanied Respondent to provide a urine sample for testing.
- 18. On or about August 2, 2011, San Diego Hospice received Respondent's drug test results which were positive for Morphine, Hydromorphone, Butalbital and Methadone.
 - 19. On or about August 2, 2011, Respondent was terminated from San Diego Hospice.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Use of Drugs in A Manner Harmful to Self and Others)

20. Respondent is subject to disciplinary action under Code section 2762(b) in that Respondent used controlled substances in a manner dangerous to herself and the public and to the extent that her use impaired her ability to work as a registered nurse on July 22, 2011. The circumstances are more specifically set forth in paragraphs 14 through 19 above, and incorporated herein by reference as though fully set forth herein.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

 Revoking or suspending Registered Nurse License Number 592768, issued to Robin Marie Miles, aka Robin Marie Aubin, aka Robin Marie Green;

Accusation